

Minutes of First Meeting of the Advisory Group on Eliminating Discrimination against Sexual Minorities

Date : 18 June 2013
Time : 2:15 p.m.
**Venue : Conference Room, 13/F, Central Government Offices,
East Wing, 2 Tim Mei Avenue, Tamar**

Members Present

Professor Fanny CHEUNG, JP (Chairperson)
Hon CHAN Chi-chuen
Mr Tommy CHEN
Dr Andy CHIU
Mr Joseph CHO
Ms Shirley HA
Professor KUNG Lap-yan
Professor KWAN Kai-man
Ms Lavinia LAU
Ms Joanne LEUNG
Dr Hon Priscilla LEUNG, JP
Hon James TO
Ms YEUNG Wai-wai

Member Absent

Mr Reggie HO

In Attendance

Representatives from Constitutional and Mainland Affairs Bureau (CMAB)

Mr LAU Kong-wah, JP	Under Secretary for Constitutional and Mainland Affairs (USCMA) (for agenda item 1 only)
Mr Gordon LEUNG, JP	Deputy Secretary for Constitutional and Mainland Affairs
Mrs Philomena LEUNG	Principal Assistant Secretary for Constitutional and Mainland Affairs
Mr Ronald CHAN	Political Assistant to Secretary for Constitutional and Mainland Affairs
Ms Elaine IP	Assistant Secretary for Constitutional and Mainland Affairs (ASCMA)
Mr LAI Wing-yiu	Unit Manager, Gender Identity and Sexual Orientation Unit

Welcoming remarks

The Chairperson welcomed members to the first meeting and introduced the attending officers from CMAB. She also expressed her wish that the Advisory Group could discuss matters rationally and objectively, with a view to enabling the Group to put forward recommendations to CMAB in due course.

2. On behalf of the Secretary for Constitutional and Mainland Affairs, USCMA thanked the Chairperson and members for their participation in the Advisory Group. He hoped that the Advisory Group could serve as a forum for informed exchanges and provide constructive advice on this controversial subject. He also said that, as the Advisory Group had taken over the functions of the Sexual Minorities Forum, members were welcome to raise issues of concern to the sexual minorities community.

Agenda Item 1 : Modus Operandi

[Paper No. 1/2013]

3. ASCMA briefly introduced the paper.

4. Prof Kwan¹ expressed concerns about the possibility of being misquoted outside the Advisory Group and asked what mechanism there was to safeguard against this. He also asked about the definition of “sexual minorities” in the context of the Advisory Group, tabled a note and suggested that the terminology should be clearly defined to facilitate more focussed discussion of the Group.

5. Members then discussed whether there was a need for audio recording of the discussions of the Advisory Group, whether the minutes of meetings should attribute the views expressed to individual Members, as well as the definition of “sexual minorities”.

6. Members also discussed whether non-Advisory Group members could attend the meetings as observers and how the Post-Gay Alliance’s

¹ Prof Kwan is named in these minutes in accordance with his request.

request for being represented on the Advisory Group should be handled. In response to a member's opinion that Prof Kwan might help speak for the post-gay community, Prof Kwan clarified that he could not represent this group of people and they should have their own representative in the Advisory Group instead.

7. After deliberation, the meeting agreed with the proposed modus operandi as set out in the paper as well as the following:

- (a) there would be no audio recording of meetings; this could be reviewed if the need arose in future;
- (b) to encourage candid exchanges, members would not be named in the minutes of meeting unless upon individual members' requests;
- (c) both English and Chinese versions of the minutes of meeting would be made available;
- (d) CMAB would consider if there was a need to define more clearly the scope of the Advisory Group;
- (e) sexual minority groups could be invited to attend future meetings to exchange views with the Advisory Group as necessary; and
- (f) if any member wished to propose an item/paper for discussion in a meeting, the proposal/paper should preferably reach the Secretariat three weeks prior to the meeting date concerned.

Agenda Item 2 : Publicity Plan for 2013-14

[Paper No. 2/2013]

8. ASCMA briefly introduced the paper.

9. Members generally agreed with the messages for the Announcement in the Public Interest (API) to be produced as proposed in

para. 5 of the paper (i.e., (a) everyone is born equal, irrespective of his/her sexual orientation or gender identity; and (b) no person should discriminate against another person because that other person has a different sexual orientation or gender identity). In addition, the following views were expressed:

- (a) the API should avoid giving the impression that currently widespread discrimination against sexual minorities existed in Hong Kong;
- (b) the API should avoid trying to persuade people to support homosexuality as there was a clear distinction between not discriminating against people who were homosexuals and supporting homosexuality;
- (c) if possible, the API should help correct the misconception of equating a person who did not support homosexuality as one who would discriminate against homosexuals; and
- (d) the concept of 'equal opportunities' should be included in the messages for the TV API.

10. Members expressed divergent views as to whether real faces of sexual minorities, such as celebrities who had come out, should appear in the API. As there was also a concern that the individual celebrity(ies) might not represent the diverse population of sexual minorities, the meeting came to the conclusion that use of celebrities in the API should be avoided.

11. The Chairperson requested CMAB to take into account members' views when preparing the brief for the production of the API. Members noted that CMAB would proceed to commission the production of the API.

12. In response to a member's request, the Secretariat agreed to provide to members the sound clip of the radio API currently used to promote equal opportunities on the grounds of sexual orientation and

gender identity.

[Post-meeting note: the sound clip was sent to all members by email on 19 June 2013.]

Agenda Item 3 : A Recapitulation of Developments

[Paper No. 3/2013]

13. ASCMA briefly introduced the paper.
14. Members agreed that a focussed study on actual cases of discrimination against sexual minorities should be conducted. However, there were divergent views on whether a survey of public views on the subject was needed. Some members saw the need for such a survey having regard to the importance of public opinion and the far-reaching impact of legislation if that was to be pursued. Some other members however had reservations in view of the many surveys already conducted by non-governmental organisations, and on grounds that whether legislation was needed to protect a minority group should not be determined by the majority groups.
15. Members also raised the following views:
 - (a) the work to be undertaken by the Equal Opportunities Commission (EOC) in this regard should be taken into account so as to avoid duplication of efforts and use of resources;
 - (b) the study and survey should be undertaken by a “neutral” body, i.e., one with no preconceived views as to whether or not legislation should be pursued; and
 - (c) if a survey was to be conducted, it should also aim to collect information on public attitudes towards according the same treatment to sexual minorities as other persons in different contexts, and public attitudes/concerns over the impact of legislation, if pursued, on freedom of speech and promotion of

religious beliefs.

16. After deliberation, the meeting agreed that a focussed study on actual cases of discrimination should first be carried out so that the findings could facilitate consideration as to whether and if so, how a subsequent survey should be conducted. The Chairperson requested CMAB to work out a more detailed proposal for deliberation in the next meeting.

Agenda Item 4 : Any Other Business

17. In response to the Chairperson's invitation for views on the agenda items for future meetings, some members suggested discussing the concept of "reverse discrimination" as well as inviting EOC to exchange views. A member also suggested discussing how to enhance the promotion of the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation (the Code), including evaluation of the extent that the Code was adopted in the private sector, and whether the Code could be extended to cover gender identity as well.

18. The Chairperson thanked Members for their suggestions, which would be taken into account in preparing the agenda for future meetings.

19. On the frequency of meetings, it was agreed that the next meeting would be held in September and thereafter would be held once every two to three months. The Secretariat would work out the meeting schedule for the coming 12 months having regard to members' availability.

**Constitutional and Mainland Affairs Bureau
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